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Counsel to the Foreign Representative

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
In re:	:	Chapter 15
	:	
O.W. BUNKER GERMANY GMBH, ¹	:	Case No. 15-____ (____)
	:	
Debtor in a Foreign Proceeding.	:	
	:	
-----X		

**DECLARATION OF FOREIGN REPRESENTATIVE PURSUANT TO
BANKRUPTCY CODE SECTION 1515 AND BANKRUPTCY RULE 1007(a)(4)**

I, Dr. Gideon Böhm, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am over the age of 18 and, if called upon, could testify to all matters set forth in this declaration based upon my own personal knowledge except for those portions specified as being otherwise.

2. I respectfully submit this declaration pursuant to section 1515 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1007(a)(4) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

3. I am a lawyer of the law firm Münzel & Böhm in Hamburg, Germany, the duly appointed administrator and foreign representative (the “Administrator”) of O.W. Bunker

¹ The last four digits of the Debtor’s tax identification number are 0130.

Germany GmbH (the “Debtor”), which is currently in administration proceedings (the “German Proceeding”) under the Germany Insolvency Code, subject to the supervision of the Amtsgericht – Insolvenzgericht Hamburg (Local Court – Insolvency Court Hamburg).

4. The Debtor filed an application with the German Court on November 12, 2014 to open insolvency proceedings under the German Code. The Debtor operated under preliminary insolvency proceedings until December 15, 2014 when such proceedings were converted into final insolvency proceedings (the “German Proceeding”). Under the German Proceeding, the Administrator was appointed the preliminary insolvency administrator. After the final insolvency proceedings were opened on December 15, 2014, the Administrator was appointed the permanent insolvency administrator. A true and correct copy of the order appointing me as the permanent insolvency administrator and an English translation thereof are attached as Exhibits 5 and 6 to the *Declaration of Darren Azman Regarding Determination of Foreign Law* (the “Azman Declaration”) filed on the date hereof.

5. On the date hereof (the “Petition Date”), I filed a petition pursuant to Bankruptcy Code sections 1504 and 1515 commencing this chapter 15 case, seeking recognition of the Germany Proceeding as a “foreign main proceeding,” as such term is defined in Bankruptcy Code section 1502(5), and seeking other necessary relief in support of the German Proceeding.

I. Statement Pursuant to Bankruptcy Code Section 1515

6. Pursuant to Bankruptcy Code section 1515(b), the following exhibits are attached to the Azman Declaration:

- Exhibit 1 - The *Beschluss* issued by the German Court, dated November 12, 2014, appointing me as the interim insolvency administrator of the Debtor
- Exhibit 2 - An English translation of Exhibit 1

- Exhibit 3 - The *Beschluss* issued by the German Court, dated December 15, 2014, opening the German Proceeding
- Exhibit 4 - An English translation of Exhibit 3
- Exhibit 5 - The *Bescheinigung* issued by the German Court, dated December 16, 2014, reflecting my appointment as the permanent insolvency administrator of the Debtor
- Exhibit 6 - An English translation of Exhibit 5

7. Pursuant to Bankruptcy Code section 1515(c), I am aware of the definition of “foreign proceeding” under Bankruptcy Code section 101(23), and I believe that the German Proceeding is a “foreign proceeding” as defined therein. I am not aware of any other “foreign proceeding” pending with respect to the Debtor.

II. Disclosure Pursuant to Bankruptcy Rule 1007(a)(4)

A. Corporate Ownership Statement

8. Pursuant to Bankruptcy Rule 1007(a)(4)(A), the following is a corporate ownership statement of the Debtor, which identifies any corporation that directly or indirectly owns 10% or more of any class of the Debtor’s equity interests:

- The Debtor is a limited liability company (*Gesellschaft mit beschränkter Haftung*) organized and existing under German law.
- The Debtor is a wholly-owned subsidiary of O.W. Bunker & Trading A/S (“OWT”), a foreign corporation (*aktieselskab*) organized and existing under Danish law.
- OWT is a wholly-owned subsidiary of O.W. Bunker A/S (“OWB”), a foreign corporation (*aktieselskab*) organized and existing under Danish law. OWB is the ultimate corporate parent whose shares were traded on the Copenhagen Stock Exchange until November 5, 2014.

B. List of Administrators

9. Pursuant to Bankruptcy Rule 1007(a)(4)(B), I hereby state that I am the only duly appointed “administrator” in the German Proceeding. Other than the German Proceeding and this chapter 15 case, there are no foreign proceedings pending with respect to the Debtor. The service address for the Debtor is:

Münzel & Böhm
Attention: Dr. Gideon Böhm
Moorfuhrweg 11
22301 Hamburg, Germany

C. Litigation Parties in the United States

10. Pursuant to Bankruptcy Rule 1007(a)(4)(B), the following is a table that includes a list of all parties, and their respective counsel, to litigation pending in the United States in which the Debtor is a party as of the date hereof:

Party	Counsel
NuStar Energy Services, Inc.	Keith Bernard Letourneau Blank Rome LLP 717 Texas Ave. Suite 1400 Houston, TX 77002 713-228-6601 Fax: 713-228-6605 Email: kletourneau@blankrome.com
Nustar Terminals Marine Services N.V.	Keith Bernard Letourneau Blank Rome LLP 717 Texas Ave. Suite 1400 Houston, TX 77002 713-228-6601 Fax: 713-228-6605 Email: kletourneau@blankrome.com -and- Thomas Hunt Belknap, Jr. Blank Rome LLP 405 Lexington Avenue New York, NY 10174 (212) 885-5000

	<p>Fax: 212-885-5001 Email: tbelknap@blankrome.com</p>
M/V Columba	<p>Michael Fernandez Freehill, Hogan & Mahar, LLP 80 Pine Street New York, NY 10005 212-425-1900 Fax: 212-425-1901 Email: fernandez@freehill.com</p> <p>-and-</p> <p>John F Unger Royston, Rayzor, Vickery & Williams, LLP 1600 Smith Street Suite 5000 Houston, TX 77002-7380 713-224-8380 Fax: 713-225-9945 Email: john.unger@roystonlaw.com</p>
M/V Canberra Express	<p>Michael Fernandez Freehill, Hogan & Mahar, LLP 80 Pine Street New York, NY 10005 212-425-1900 Fax: 212-425-1901 Email: fernandez@freehill.com</p> <p>-and-</p> <p>John F Unger Royston, Rayzor, Vickery & Williams, LLP 1600 Smith Street Suite 5000 Houston, TX 77002-7380 713-224-8380 Fax: 713-225-9945 Email: john.unger@roystonlaw.com</p>
M/V Vienna Express	<p>Michael Fernandez Gina M Venezia Peter J Gutowski Freehill, Hogan & Mahar, LLP 80 Pine Street New York, NY 10005</p>

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Hapag-Lloyd Aktiengesellschaft	Michael Fernandez Gina M Venezia Peter J Gutowski Freehill, Hogan & Mahar, LLP 80 Pine Street New York, NY 10005 212-425-1900 Fax: 212-425-1901 Email: fernandez@freehill.com Email: venezia@freehill.com Email: gutowski@freehill.com
ING Bank N.V.	Bruce G. Paulsen Brian Paul Maloney Celinda Joan Metro Seward & Kissel LLP One Battery Park Plaza New York, NY 10004 (212) 574-1200 Fax: (212) 480-8421 Email: paulsen@sewkis.com Email: maloney@sewkis.com Email: metro@sewkis.com
O.W. Bunker USA, Inc.	Davis Lee Wright Montgomery, McCracken, Walker & Rhoads, LLP 1105 North Market Street Wilmington, DE 19801 (302)-504-7828 Fax: (302)-504-7820 Email: dwright@mmwr.com

	<p>-and-</p> <p>Kaspar Kielland Robert Eugene O'Connor Vincent M. DeOrchis Montgomery, McCracken, Walker & Rhoads, LLP 437 Madison Avenue, 29th Floor New York, NY 10022 (212)-201-1931 Email: kkielland@mmwr.com Email: roconnor@mmwr.com Email: vdeorchis@marinelex.com</p>
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O'Rourke Marine Services L.P.	<p>J. Stephen Simms Simms Showers LLP 201 International Circle, Suite 250 Hunt Valley, MD 21030 410-783-5795 Fax: 410-510-1789 Email: jssimms@simmsshowers.com</p>
Bonny Gas Transport Limited	<p>James H. Power Marie Elizabeth Larsen Holland & Knight LLP</p>


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U.S. Oil Trading L.L.C.	John R. Keough Casey Dean Burlage Corey Russell Greenwald Clyde & Co US LLP 405 Lexington Ave New York, NY 10174 (212)-710-3900 Fax: (212)-710-3950 Email: john.keough@clydeco.us Email: casey.burlage@clydeco.us Email: corey.greenwald@clydeco.us
O.W. Bunker & Trading A/S	Liz Downing Skadden, Arps, Slate, Meagher & Flom LLP 500 Boylston Street Boston, MA 02116 (617) 573-4800 Fax: (617) 573-4822 Email: Elizabeth.downing@skadden.com

D. Entities Against Whom Provisional Relief is Being Sought Under Bankruptcy Code Section 1519

11. The Debtor is not seeking provisional relief under Bankruptcy Code Section 1519, but reserves the right to do so at any time.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my information and belief.

Dated: October 9, 2015



Name: Dr. Gideon Böhm
Title: Foreign Representative